

Magistrate Judge Roanne L. Mann  
United States District Court Judge  
U.S. Eastern District, New York  
225 Cadman Plaza  
East Brooklyn, NY 11201

**VIA ECF Filing**

RE: Brainwave Science, Inc. v. Arshee, Inc. et al  
Case Number: 1:21-cv-04402-BMC

**FILED**  
**in the Clerk's Office**  
**U.S. District Court,**  
**EDNY**  
**Aug 31, 2022, 9:34 PM**  
**Brooklyn**  
**Pro Se Office via**  
**Box.com**

September 1, 2022

Defendant Dr. Lawrence Farwell's First Reply to Plaintiff's Reply [88] Confirming Defendant has fully complied with disclosure demands and confirming Defendant's attempt to resolve.

Dear Judge Mann,

In a letter of August 26, 2022, Plaintiff wrote:

"The responses provided by Defendant Farwell within his August 23, 2022 submission, include numerous documents or other files (including copies of court pleadings and documents prepared by Defendant Farwell or other persons in anticipation of litigation) which appear to be entirely non-responsive to Plaintiff's Disclosure Demands. Furthermore, a number of the other provided documents/files appear to be potentially responsive but make no reference to which Demands, if any, the documents/files are responsive."

Plaintiff's Disclosure Demands stated on P. 4, ¶4:

"4. All documents that respond, in whole or in part, to any part or clause of any paragraph of these document requests shall be produced in their entirety, including all attachments and enclosures."

The documents mentioned in the first sentence of Plaintiff's letter *appear* to be unresponsive to someone who has not read my (Defendant Dr. Lawrence Farwell's) disclosures and the explanation therein regarding how they are labeled and organized.

When the document in question was an email, I also included any attachments, as required by Plaintiff's Disclosure Demands as quoted above. I followed this required procedure regardless of what the attachments comprised. For this reason, the documents submitted included some documents, such as court pleadings, that are clearly unnecessary for the disclosures demanded.

The following convention insured that all documents were clearly labeled, and the information was included regarding the specific disclosure demand to which each document was relevant.

In the main narrative of my disclosures, I referenced each primary document by specifying it as an Exhibit and noting the first few characters of its filename, which in every case were unique to a specific document. When the primary document was an email, and there were associated

attachments, I noted that attached “[att:]” was one or more sub-exhibits comprising the attachment(s). Each sub-exhibit or secondary document comprising an email attachment was identified by the first few characters of the filename of the email attachment. These were unique to each document and were inserted at the beginning of the email to which the attachments corresponded, with the notation “[att:]” followed by the unique identifier of the attachment.

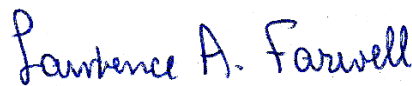
Thus, every document that was supplied in my disclosures was uniquely identified and classified as responding to a particular disclosure request.

Plaintiff’s Disclosure Demands dictated that I include all email attachments, even those that were obviously not necessary in order to respond to Plaintiff’s Disclosure Demands.

Plaintiff’s referenced letter did not specify any documents that Plaintiff thought were not identified as being relevant to a specific disclosure request. To my knowledge, there are no such documents. Every document supplied is clearly and uniquely identified and assigned to a specific disclosure demand by the above procedure. If Plaintiff finds and identifies a document that is not properly referenced, I will be happy to correct that deficit.

I am in communication with Plaintiffs in order to resolve the issues set forth herein. Absent an alternative direction from the Court, in the event that these issues cannot be resolved on or before September 30, 2022, I will request Court intervention.

Sincerely,



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